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10/627,815	07/28/2003	Kenji Morita	03560.001996.1	4350

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FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK, NY 10112

EXAMINER
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TRAN, NHAN T

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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05/01/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/627,815

Applicant(s)

MORITA, KENJI

Examiner

NHAN T. TRAN

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 58-73, 78 and 83 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 58-73, 78 and 83 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/22/2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 58-73, 78 and 83 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. Claim 58 is objected to because of the recitation of "the client" in line 3 of the claim. This should be corrected to read as --a client --.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 58-73, 78 and 83 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 58 recites, "in response to continuous designations not including a predetermined plurality of commands for the same operation, said control unit controls the video camera in accordance with each of the predetermined plurality of commands." This limitation is vague because it is not clear how the control unit controls the video camera in accordance with each of the predetermined plurality of commands without the predetermined plurality of commands (these commands are excluded at the first place).

Claims 63 and 68 are also rejected for the same reason submitted in claim 58.

Claims 59-62, 64-67, 69-73, 78 and 83 are also rejected as being dependent from claims 58, 63 and 68.

*(Please note that the following rejection is applied as best understood in view of the 35 USC § 112 rejection above.)*

### ***Double Patenting***

***(Important note: This application is a voluntary division of the parent application No. 08/895,266 filed 7/16/1997, which is now US Patent No. 6,611,285. No restriction was made by the USPTO in the parent application. Thus, prohibition of double patenting rejections under 35 USC 121 does not apply. See MPEP 804.01.)***

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

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unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 58-73, 78 and 83 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 5-16 of U.S. Patent No. 6,611,285 in view of Cortjens et al. (US 5,598,209).

The patent claims 1, 2, 5-16 disclose the limitations of application claims 58-73, 78 and 83, wherein the video camera is controlled in accordance with "at least one but not all of the predetermined plurality of commands" of the application claims 58, 63 and 68 is met by the video camera is controlled in accordance with the latest command in the Patent claims 1, 7, 9 and 13.

The Patent claims 1, 2, 5-16 do not explicitly disclose "continuous designations" and "in response to continuous designations not including a predetermined plurality of commands for the same operation, said control unit controls the video camera in accordance with each of the predetermined plurality of commands."

However, the Patent claims 1, 2, 5-16 disclose that the input information includes *a plurality of commands*. Cortjens teaches that a user can continuously send commands to instruct a video camera for panning, tilting and zooming by repeatedly commanding the video camera after a first command was performed as illustrated in Figs. 5A & 5B (i.e., the camera is panned to an angle and shortly later continued to pan to another angle in response to the user's commands within a short period of time). Furthermore, according to Cortjens in Figs. 5A & 5B, steps 115-116 and col. 15, line 54 – col. 6, line 36, camera controller controls a remote camera in accordance with each of a plurality of commands (pan, tilt and/or zoom commands) separately when the plurality of commands are commands for **separate** operations (pan, tilt, and/or zoom operations). Such control operations allow the user to independently and smoothly control the camera as suggested by Cortjens in col. 4, lines 29-36.

Therefore, it would have been obvious to one of ordinary skill in the art to combine teachings of the Patent claims 1, 2, 5-16 and Cortjens to arrive at the Applicant's claimed invention for controlling the video camera such that, in response to continuous designations not including a predetermined plurality of commands for the same operation, said control unit controls the video camera in accordance with each of the predetermined plurality of commands. Doing this would allow the user to independently and smoothly control the camera as suggested by Cortjens above.

***Claim Rejections - 35 USC § 102***

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8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 58-60, 62-65, 67-70 and 72, 73, 78 & 83 are rejected under 35 U.S.C. 102(a) as being anticipated by Cortjens et al. (US 5,598,209).

Regarding claim 58, Cortjens discloses a controller (Fig. 1) for controlling a video camera (Figs. 1-3 and col. 5, lines 30-54) comprising:

an input unit (mouse 12, joystick 18 and control panel 13) adapted to input a designation from [the] client (Figs. 1-5 and col. 8, lines 33-49);

a control unit (controller 10) adapted to control the video camera in accordance with the designation input by the input unit (col. 6, lines 33-45 and col. 8, lines 28-56);

wherein, in response to continuous designations including a predetermined plurality of commands for a same operation (i.e., a plurality commands for panning operations representing panning amounts which are greater and not greater than the resolution error as shown in step 107 in Fig. 5A), said control unit controls the video camera in accordance with **at least one** (pan is greater than the resolution error) but not all of the predetermined plurality of commands (Figs. 5A & 5B and col. 15, lines 54-64), and in response to continuous designations not including a predetermined plurality of commands for the same operation (command for panning operation and command for tilting operation which are *greater* than the resolution error in steps 107 & 108 of Figs.

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5A & 5B but not multiple commands for the same panning operation), said control unit controls the video camera in accordance with each of the predetermined plurality of commands (steps 115-116; see col. 15, line 54 – col. 16, line 36).

Regarding claim 59, it also clearly seen in Cortjens (Figs. 5A & 5B) that, in response to continuous designations including a predetermined plurality of commands for the same operation (i.e. plurality of pan commands which are greater than the resolution error), said control unit controls the video camera in accordance with the latest command of the predetermined plurality of commands (see Figs. 5A & 5B and col. 15, line 54 – col. 16, line 36, wherein the controller controls the video camera in response to the commands including the latest command by inherency).

Regarding claim 60, Cortjens clearly discloses that the predetermined plurality of commands are for at least one of pan, tilt, and zoom commands of the video camera (see col. 15, line 54 – col. 16, line 36).

Regarding claim 62, Cortjens also discloses that the controller is a camera server (Figs. 1-4 & 8) connected to the client via a network (see col. 5, line 30 – col. 6, line 19, and it is noted that the camera network system as shown in Figs. 1-4, 8 & 9 connecting to a plurality of cameras for serving video conferencing has encompassed a camera server).



Regarding claims 63-65 & 67, these method claims are also met by the analyses of claims 58-60 & 62, respectively.

Regarding claim 68, Cortjens further discloses a computer readable storage medium (memory) for storing programs executed by a controller to control a video camera in accordance with designations from a client to perform the method of claim 63 (see col. 10, lines 58-66 and col. 12, lines 21-51).

Regarding claims 69, 70 & 72, these claims are also met by the analyses of claims 59, 60 & 62, respectively.

Regarding claim 73, Cortjens also discloses a transmitting unit (an inherent transmitter at the remote site) adapted to transmit image signals of the video camera which are displayed at the client (Figs. 6A, 6B & 13) in accordance with the continuous designations to the client (col. 17, lines 15-43 and col. 24, line 25 - col. 25, line 30);

Regarding claims 78 & 83, this claim is also met by the analyses of claim 73, (see col. 10, lines 58-66 and col. 12, lines 21-51 for computer program for claim 83).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 61, 66 & 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cortjens et al. (US 5,598,209) in view of Suga et al. (US 6,313,875).

Regarding claim 61, Cortjens is silent about a transmitting unit that transmits to other clients, in accordance with the continuous designations, control information of the video camera.

However, as taught by Suga, when a remote camera is under control (pan, tilt, zoom) by a client, the status of the camera in accordance with the control from the client is sent to other clients in the network to inform the other clients about the status of pan, tilt and zoom of the camera so that the other clients can quickly recognize the camera's conditions prior to taking a control action (see Suga, col. 7, line 33 - col. 8, line 10).

Therefore, it would have been obvious to one of ordinary skill in the art to configure the system of Cortjens in view of the teaching of Suga to provide a transmitting unit for transmitting to other clients in the network control information of the video camera in accordance with the designations so that other clients would quickly recognize the control information of the video camera prior to taking a control action, thereby enhancing the camera control operations among the clients.

Regarding claims 66 & 71, these claims are also met by the analyses of claim 61.

***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NHAN T. TRAN whose telephone number is (571)272-7371. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nhan T. Tran/  
Primary Examiner, Art Unit 2622

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